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PART II—Section 1

Acts, Ordinances and Regulations

AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 11th April 1953

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 7th April, 1953, and is hereby published for general information:—

THE AJMER PREVENTION OF PROSTITUTION
ACT, 1953.

ACT No I OF 1953

An Act for the prevention of prostitution in the State of Ajmer

BE it enacted by the Legislative Assembly of the State of Ajmer as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Ajmer Prevention of Prostitution Act, 1953.

(2) It extends to the whole of the State of Ajmer.

(3) This section shall come into force at once; and the Chief Commissioner of the State of Ajmer (hereinafter referred to as the Chief Commissioner) may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in such area and on such date, as may be specified in the notification.

2. Interpretation.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “brothel” means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purpose of prostitution and includes—

(i) Where any house, room or place, or any part thereof is divided into cubicles by any means including cloth or canvass curtains, or wooden, cement, corrugated iron,

asbestos or brick partitions and such cubicles are used for the purposes of prostitution, every such cubicle used for such purposes whether by one or by more than one person;

(ii) any room or place or any part thereof which is used for the purposes of prostitution, whether by one or by more than one person, and the floor area of which is less than one hundred square feet and the cubic area of which is less than one thousand cubic feet;

(iii) a self-contained flat used for the purposes of prostitution by more than one person, whether as independent tenants of different rooms or parts therein or otherwise;

(b) "place of public amusement" means any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game or the means of carrying on the same is provided, and to which the public are admitted, either on payment of money, or with the intention that money may be collected from those admitted; and includes a race-course, circus, theatre, cinema, music hall, billiard-room, bagatelle-room, gymnasium, fencing school or dancing school;

(c) "place of public entertainment" means any place, whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place; and includes a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop;

(d) "prostitution" means promiscuous sexual intercourse for hire;

(e) "Vigilance Home" means a corrective institution established or recognised by the Chief Commissioner, in which women are detained in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of offences under this Act.

(2) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Soliciting.—Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,—

(a) by words, gestures, wilful and indecent exposure of his person or otherwise, attracts or endeavours to attract attention for the purpose of prostitution, or carnal intercourse or any act of gross indecency, or

(b) shall solicit or molest any person or loiters for the purpose of prostitution, or carnal intercourse, or any act of gross indecency,

shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

4. Prostitutes in places of public amusement.—Whoever being the keeper of any place of public amusement or entertainment, Turkish bath, massage establishment, beauty parlour, manicure room, pedicure room, knitting room, embroidery room or other similar place by whatever name or description known, knowingly permits prostitutes, or persons of notoriously bad character, for the purposes of their trade to meet or remain in such place, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees or with both.

5. Living on the earnings of prostitution.—(1) Any person not below the age of 16 years who knowingly lives, wholly or in part, on the earnings of prostitution of another person shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

(2) Where any person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, or to be keeping or managing or assisting in the management of a brothel, it shall be presumed until the contrary is proved, that he is knowingly living on the earnings of prostitution.

6. Procuration.—Any person who procures or attempts to procure any woman or girl, whether with or without her consent, for the purposes of prostitution, or who with intent that she may with purposes of prostitution become the inmate of or frequent a brothel, persuades woman or girl to leave her usual place of abode, shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments

7. Importing women or girl for prostitution.—Any person who brings or attempts to bring any woman or girl, whether a prostitute or not, for the purposes of prostitution, shall be punishable with imprisonment which may extend to three years or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

8. Unlawful detention for prostitution.—(1) Whoever detains any woman or girl against her will,—

(a) in any house, room or place in which the business of prostitution is carried on, or

(b) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether any particular man or generally, shall be punishable

with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

(2) Where a woman or girl is in any house, room or place in which the business of prostitution is carried on or is in or upon any premises for the purpose of having sexual intercourse referred to in clause (b) of sub-section (1), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.

(3) No Civil suit shall lie and no proceedings, whether civil or criminal, shall be taken against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

9. No punishment of whipping under sections 5 to 8 for females.—

Nothing in sections 5, 6, 7, and 8 shall render a female liable to be punished with whipping.

10. Removal of prostitutes.—(1) The District Magistrate may at any time cause a notice to be served upon any person who occupies or manages or acts or assists in the management of, or upon any woman who resides in, uses or frequents, any house, room, or place in which the business of the prostitution is carried on, requiring such person or woman after a date to be mentioned in the notice, which shall not be less than seven days from the date of the notice, not to reside in, or frequent any street or place specified in the notice, or directing such person or woman, after a date to be mentioned and fixed as aforesaid to remove himself or herself to some specified area in the State of Ajmer or outside the said State, and by such route or routes and within such time as the District Magistrate shall prescribe.

(2) Before an order is passed against any person under sub-section (1), the District Magistrate shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. The District Magistrate may also examine any witnesses produced by such person. Any written statement made by such person shall be filed with the record.

Such person shall be entitled to appear before the District Magistrate by a legal practitioner for the purpose of explaining the allegations against him and examining the witnesses produced by him.

(3) The District Magistrate may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (1) exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898 (V of 1898).

(4) If any person or woman so directed under sub-section (1) fails or refuses to remove himself or herself as directed within the time specified, the District Magistrate may cause such person or woman to be arrested and removed in police custody to the place specified or outside the State.

(5) No direction under the second alternative in sub-section (1) shall be made without the previous sanction of the Chief Commissioner.

(6) Any person or whom a notice under this section shall have been served, disobeying the requisition therein contained, shall be punishable with imprisonment which may extend:—

(a) in the case of a first offence to one month, and

(b) in the case of a second or subsequent offence to three months.

(7) Whoever, within two years from the date of his removal under the provisions of this section, returns to the area from which he was removed or to the State Ajmer, as the case may be, without the permission in writing of the District Magistrate, shall be punishable with imprisonment which may extend to two years or with fine or with both.

11. Prostitution in vicinity of public places.—Whoever carries on the business of prostitution in any premises,—

(a) which are adjacent or opposite to, or within a distance of one hundred and fifty yards of, any place of public religious worship, educational institution, public park, public playground, cinema, theatre or railway station, or on a thoroughfare, or

(b) which are notified in this behalf by the District Magistrate, in the manner prescribed by rules made by the Chief Commissioner,

shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

12. Detention in Vigilance Home.—(1) Any Court convicting a woman or girl of an offence punishable under this Act may, in lieu of passing a sentence of imprisonment, pass a sentence of detention in a Vigilance Home for a term which shall not exceed the maximum period for which she could have been sentenced for such offence.

(2) For the purposes of appeal and revision under the Code of Criminal Procedure, 1898 (V of 1898), a sentence of detention for any period passed under sub-section (1) shall be deemed to be a sentence of imprisonment for the like period.

13. Arrest without warrant.—(1) Any police officer not below the rank of a Sub-Inspector of Police, and, if the offence is committed in his view, any police officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing any offence punishable under section 3.

(2) Any police officer may, without an order from a magistrate and without a warrant, arrest any person who has been concerned in any offence punishable under section 8 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in an offence under that section or of his having committed an offence under section 10, sub-section (7).

14. Offences triable by certain Magistrates only.—Offences punishable under sections 5, 6, 7, and 8 shall be triable by the Courts of Session and Stipendiary Magistrates of the First Class only.

15. Delegation of powers.—The Chief Commissioner may, by notification in the Official Gazette, authorise any Sub-Divisional Magistrate to exercise within his sub-division all or any of the powers conferred by this Act on the District Magistrate.

16. Power to make rules.—The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the management of Vigilance Homes and the appointment, powers and duties of officials in such Homes;

(b) the care, treatment, maintenance, training, instruction and control of the inmates of such Homes;

(c) visits to, and communications with, such inmates;

(d) the temporary detention of women or girls sentenced to detention in Vigilance Homes until arrangements are made for sending them to such Homes:

Provided that no woman or girl shall be detained in the custody of any person or body of a religious persuasion different from hers;

(e) the transfer of woman or girls from one Vigilance Home to another;

(f) the transfer from Vigilance Homes to prisons of women or girls found to be incorrigible or exercising a bad influence and the period of their detention in such prisons:

Provided that the period of detention in prison together with the period of detention in Vigilance Home, shall not exceed

the maximum period for which the inmate could have been sentenced for the offence in respect of which she was convicted;

(g) the transfer to Vigilance Homes of women or girls sentenced under this Act and the period of their detention in such Homes;

(h) the discharge of inmates from Vigilance Homes either absolutely or subject to the conditions, and their arrest in the even of a breach of such conditions;

(i) the grant of permission to inmates to absent themselves for short periods;

(j) the application of the provisions of the Prisons Act, 1894 (IX of 1894), the Prisoners Act, 1900 (III of 1900), and the rules made under those Acts, to Vigilance Homes and their inmates, subject to such adaptations, alterations and exceptions as may be specified.

3. In making rules under sub-section (1) or sub-section (2), the Chief Commissioner may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

N. SWAMINATHAN, Secy.

